



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,794	09/05/2001	Gerhardus Sjoerd Jozef Haak	110510	4100
25944	7590	12/08/2008	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				SIEFKE, SAMUEL P
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
12/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/914,794	HAAK ET AL.	
	Examiner	Art Unit	
	SAM P. SIEFKE	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 September 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-7 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-7 and 31-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-6 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fetner et al. (USPN 5,512,168) in view of Klemm et al. (USPN 5,721,142) and in further view of Jinno et al. (USPN 6,780,314).

Fetner teaches an extraction process that comprises: conditioning a sorbent in a cartridge by passing a liquid suitable for conditioning through the cartridge (col. 10, lines 26-30; col. 10, lines 49-51); applying a sample that contains the analyte to the sorbent by passing a liquid which contains the sample through the cartridge (col. 10, lines 52-54); washing the sorbent by passing a wash liquid through the cartridge (col. 10, lines

55-59); eluting the analyte from the sorbent by passing an elution liquid through the cartridge (col. 11, lines 1-6). Fetner also teaches drying the cartridge receiver tubes for a selected period of time. The gas comprises a dry inert gas. (col. 6, lines 27-30).

Fetner does not teach any information regarding raising or lowering the temperature of the cartridge by flowing a heated or cooled sample through the cartridge.

Klemm teaches a method for monitoring mammalian reproductive cycles by monitoring variation in the quality of one or more low molecular weight volatile compounds. The method for preparing these samples includes reacting the supernatant of the sample and DNPH solution. This reaction sample is heated on a shaker at 60 degrees Celsius for 10 minutes for the reaction to occur. The sample is filtered using a standard filter paper and 2 ml of the filtrate slowly loaded into a C18 solid-phase extraction cartridge. Therefore it would have been obvious to one having an ordinary skill in the art at the time of the invention to modify Fetner to employ heating a sample mixture before loading onto a solid-phase extraction cartridge in order to provide the sample mixture reaction to occur. This is a well known procedure in sample preparation to speed up reactions or allow enhanced sample sensitivity of reagents and sample interactions. The Examiner maintains that loading a solution that has been heated to 60 degrees Celsius would raise the temperature of the solid-phase extraction cartridge to a temperature that is above the temperature before the sample was loaded on the cartridge.

The modified Klem does not teach raising or lowering the temperature of the cartridge *at a rate greater than 5 degrees Celcius/min.*

Jinno teaches a method for phase extraction on a separation column that comprises separating n-alkanes on a separation column for chromatography, the column being packed with ZYLON fibers. The column temperature program comprises raising the temperature at a rate of 10 degrees Celsius/min from 60 degrees Celsius (5 minutes) to 200 degrees Celsius (20 minutes) (col. 10, lines 20-35). The raising of the temperature of the column allows for different chemical reactions with the ZYLON fibers so that complete separation occurs. It is well known in the art that during an elution separation phase of a sample raising the temperature in a controlled and ramped manner provides the above outcome. Therefore it would have been obvious to one having an ordinary skill in the art at the time of the invention to modify the modified Klem to allow for increasing the column temperature in a controlled manner at 10 degrees Celsius/ min to allow for complete separation on a provided column.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-7 and 31-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAM P. SIEFKE whose telephone number is (571)272-1262. The examiner can normally be reached on M-F 7:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 571-272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel P Siefke/
Primary Examiner, Art Unit 1797